



Facsimile Transmission

North Point, 901 Lakeside Avenue • Cleveland, Ohio 44114-1190 • (216) 586-3939
 Facsimile: (216) 579-0212
 skoston@jonesday.com

RECEIVED
OFFICIAL CENTRAL FAX CENTER
 FEB 04 2004

February 4, 2004

Please hand deliver the following facsimile to:

Name/Company: **1. Commission for Patents** Facsimile No.: **(703) 872-9306** Telephone No.:

ORIGINALS WILL FOLLOW VIA FIRST CLASS MAIL

☐ Copies distributed

Operator's initials

From: **Paul Franz, Esq.**

Direct Telephone No.: **(216) 586-1402**

JP No.: **JP012253**

CAM No.: **560043-610132**

Send Copies To:

Number of pages (including this page): **23**

Re: **Serial No. 09/540,955**

NOTICE: This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at the direct telephone number noted above.

REFILING OF REPLY TO OFFICE ACTION

Transmittal Letter - 2 pages
 OIPE Stamped Postcard - 1 page
 Copy of Postcard - 1 page
 Transmittal Form - 1 page
 Fee Transmittal - 2 pages
 Patent Application Fee Determination Record - 1 page
 Amendment - 14 pages

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

CLI-1162591v1

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG
 HOUSTON • IRVINE • LONDON • LOS ANGELES • MADRID • MENLO PARK • MILAN • MUNICH • NEW DELHI • NEW YORK
 PARIS • PITTSBURGH • SAN FRANCISCO • SHANGHAI • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 560043610132

Group: 2633)
)
Examiner: Shi K. Li)
)
Inventor: George H. BuAbbud)
)
Serial No.: 09/540,955)
)
Filed: March 31, 2000)
)
Title: Bidirectional Frequency Shift)
Coding Using Two Different Codes)
For Upstream And Downstream)

REFILING OF
REPLY TO OFFICE ACTION**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being transmitted via Facsimile to United States Patent & Trademark Facsimile Number (703) 872-9306. A confirmation copy is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 4, 2004.

By 

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

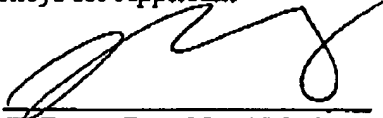
Attached hereto is a copy of Applicant's Office Action Reply ("Reply") originally filed on September 4, 2003. The Examiner called the Applicant's attorney on February 4, 2004 and informed Applicant's attorney that the Reply to the Office Action of June 5, 2003 had not been received.

As evidenced by the OIPE-Stamped Postcard, the Reply was received in the USPTO on September 8, 2003. The Examiner accepted the Applicant's offer to Refile the Reply via facsimile. Because the Reply was originally filed before the three-month period for reply expired, no extension fees are due.

Respectfully submitted,

JONES DAY
Attorneys for Applicant

Date: February 4, 2004

By: 
Paul E. Franz, Reg. No. 45,910

North Point
901 Lakeside Ave.
Cleveland, Ohio 44114
Phone (216) 586-1162

Express Mail No.: _____
Docket No.: 560043-610132 C
Application No.: 09/540955
Patent/Registration No.: _____
Trademark: _____

Date Mailed: September 4, 2003
Applicant: BuAbbud
Filing Date: March 31, 2000
Issue/Registration Date: _____
Title: BiDirectional Frequency Shift Coding Using Two
Different Codes for Upstream and Downstream

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:


<input type="checkbox"/> Affidavit (____ pages)	<input type="checkbox"/> Design Patent Application Transmittal
<input checked="" type="checkbox"/> Amendment (14 pages)	<input type="checkbox"/> Utility Patent Application Transmittal
<input type="checkbox"/> Application Papers	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> sheets of drawing(s) (formal/informal)	<input type="checkbox"/> Maintenance Fee Transmittal Form
<input type="checkbox"/> pages specification	<input type="checkbox"/> Notice of Opposition
<input type="checkbox"/> pages description	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> pages claims	<input type="checkbox"/> Preliminary Amendment (____ pages)
<input type="checkbox"/> pages abstract	<input type="checkbox"/> Renewal Application (____ pages)
<input type="checkbox"/> pages of PCT Request	<input type="checkbox"/> Response (____ pages)
<input type="checkbox"/> PCT Calculation sheet	<input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Assignment (____ pages) Assignment cover sheet	<input type="checkbox"/> Specimens
<input type="checkbox"/> Declaration (____ pages)	<input type="checkbox"/> Statement of Use
<input type="checkbox"/> Declaration/Power of Attorney (____ pages)	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Fee Transmittal Form - 2 cys	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> IDS & PTO-1449 and	<input type="checkbox"/> Check - Amount \$ _____
	<input checked="" type="checkbox"/> Other - Patent Application Fee Determination Record



Express Mail No.: _____ Date Mailed: September 4, 2003
Docket No.: 560043-610132 Applicant: BuAbbud
Application No.: 09/540955 Filing Date: March 31, 2000
Patent/Registration No.: _____ Issue/Registration Date: _____
Trademark: _____ Title: BiDirectional Frequency Shift Coding Using Two
Different Codes for Upstream and Downstream

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

<input type="checkbox"/> Affidavit (____ pages)	<input type="checkbox"/> Design Patent Application Transmittal
<input checked="" type="checkbox"/> Amendment (<u>14</u> pages)	<input type="checkbox"/> Utility Patent Application Transmittal
<input type="checkbox"/> Application Papers	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> sheets of drawing(s) (formal/informal)	<input type="checkbox"/> Maintenance Fee Transmittal Form
<input type="checkbox"/> pages specification	<input type="checkbox"/> Notice of Opposition
<input type="checkbox"/> pages description	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> pages claims	<input type="checkbox"/> Preliminary Amendment (____ pages)
<input type="checkbox"/> pages abstract	<input type="checkbox"/> Renewal Application (____ pages)
<input type="checkbox"/> pages of PCT Request	<input type="checkbox"/> Response (____ pages)
<input type="checkbox"/> PCT Calculation sheet	<input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Assignment (____ pages) <input type="checkbox"/> Assignment cover sheet	<input type="checkbox"/> Specimens
<input type="checkbox"/> Declaration (____ pages)	<input type="checkbox"/> Statement of Use
<input type="checkbox"/> Declaration/Power of Attorney (____ pages)	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Fee Transmittal Form - 2 cys	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> IDS & PTO-1449 and	<input type="checkbox"/> Check - Amount \$ _____
<input type="checkbox"/> cited item(s)	<input checked="" type="checkbox"/> Other - Patent Application Fee Determination Record
<input type="checkbox"/> Provisional Application for Patent cover sheet	



PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0691-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)


Application Number	09/540955
Filing Date	March 31, 2000
First Named Inventor	BuAbbud
Art Unit	2833
Examiner Name	Shi K. Li
Attorney Docket Number	580043810132

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

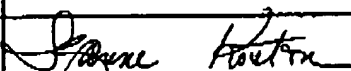
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Patent Application Fee Determination Record
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul E. Franz, Esq. Jones Day
Signature	
Date	September 4, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Suzanne Koston		
Signature		Date	September 4, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (08-03)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 84.00**Complete if Known**

Application Number	09/540955
Filing Date	March 31, 2000
First Named Inventor	BuAbbud
Examiner Name	Shi K. Li
Art Unit	2633
Attorney Docket No.	560043610132

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:

Deposit Account Number	501432(Ref. 560043610132)
Deposit Account Name	Jones Day

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims	16	-20--	= 0-	X		= 0-	
Multiple Dependent Claims	7	-3--	=	X	\$84	= \$84	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1201	18	2201	9	Claims in excess of 20	
1202	18	2202	9	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 84.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity - Small Entity

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type) Paul E. Franz, Esq.

Registration No. 45,910

(Complete if applicable)

Telephone 216/586-3939

Signature

Date September 4, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

PTO/SB/06 (05-03)

Approved for use through 4/30/2003. CMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 560043610132	
CLAIMS AS FILED - PART I							
		(Column 1)	(Column 2)				
FOR	NUMBER FILED	NUMBER EXTRA					
BASIC FEE (37 CFR 1.16(e))							
TOTAL CLAIMS (37 CFR 1.16(d))	11	minus 20 =	-0-				
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2	minus 20 =	-0-				
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))							
* If the difference in column 1 is less than zero, enter "0" in column 2.							
CLAIMS AS AMENDED - PART II							
		(Column 1)	(Column 2)	(Column 3)			
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
Total (37 CFR 1.16(e))	15	Minus	-0-	-0-			
Independent (37 CFR 1.16(b))	6	Minus	-0-	3			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))							
		(Column 1)	(Column 2)	(Column 3)			
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
Total (37 CFR 1.16(e))	16	Minus	-0-	-0-			
Independent (37 CFR 1.16(b))	7	Minus	6	1			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))							
		(Column 1)	(Column 2)	(Column 3)			
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
Total (37 CFR 1.16(e))	-	Minus	-	-			
Independent (37 CFR 1.16(b))	-	Minus	-	-			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))							

RATE	FEE
X \$ _____	\$ _____
X \$ _____	\$ _____
+ \$ _____	\$ _____
TOTAL	

OR

RATE	FEE
X \$ _____	\$ _____
X \$ _____	\$ _____
+ \$ _____	\$ _____
TOTAL	

RATE	ADDITIONAL FEE
X \$ _____	\$ _____
X \$ _____	\$ _____
+ \$ _____	\$ _____
TOTAL ADD'L FEE	

OR

RATE	ADDITIONAL FEE
X \$ _____	\$ -0-
X \$ 84.00	\$ 252.00
+ \$ _____	\$ _____
TOTAL ADD'L FEE \$252.00	

RATE	ADDITIONAL FEE
X \$ _____	\$ _____
X \$ _____	\$ _____
+ \$ _____	\$ _____
TOTAL ADD'L FEE	

OR

RATE	ADDITIONAL FEE
X \$ _____	\$ -0-
X \$ 84.00	\$ 84.00
+ \$ _____	\$ _____
TOTAL ADD'L FEE \$84.00	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.